

3 November 1978

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Report of the Senate Select Committee on
Intelligence Subcommittee on Secrecy and
Disclosure Entitled "National Security
Secrets and the Administration of Justice"

1. Action Requested: None. This is for your information and consideration only.

2. Background: This memorandum relates to the subject report (Tab A), culminating over a year's study by the Subcommittee of the problems associated with the need to use classified information in criminal trials. You will recall that you testified before the Subcommittee in March of this year on the matter (your prepared statement is at Tab B).

3. In August, 1978 we received a draft of the Subcommittee's report which I felt was woefully deficient, pejorative, and misleading. I made my views known to Bill Miller, and at his request I put them in writing for the Subcommittee's consideration, (Tab C). The final version of the report was much improved, although the recommendations as they appeared in the draft were left virtually intact (see Tab D for a comparison of the recommendations in the draft and final versions of the report). What follows in this memorandum is a discussion of the report's recommendations, together with my views as to appropriateness of these recommendations and the position we should take on each.

STAT

First recommendation

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Washington D.C. 20505

GWC

13 November 1978

MEMORANDUM FOR: Honorable Zbigniew Brzezinski
Assistant to the President
for National Security Affairs

SUBJECT : Leaks of Classified Information

1. At our meeting on 31 October, I referred to the lack of progress in arriving at an Administration position regarding the need for new legislation dealing with leaks of classified national security information. I referred also to the delay we had encountered in getting any movement from the Justice Department on this score, and in that connection I am attaching a copy of my 17 August letter to the Attorney General, to which there has been no response.

2. As I understand it, the Justice Department is considering not just the narrow approach outlined in my 17 August letter but some broader approaches as well.

3. I think we need to get off dead center on this problem.

/s/ Stansfield Turner
STANSFIELD TURNER

Attachment

OGC:AAL

1 - DCI

1 - DDCI

1 - ER via Ex Secty

1 - OGC Subj: Legislation (NI) w/OGC 78-7437

1 - AAL signer

1 - Chrono



Washington, D. C. 20505

13 NOV 1978

Honorable Griffin B. Bell
Attorney General
Department of Justice
Washington, D. C. 20530

Dear Griffin:

On 17 August I wrote to solicit your support for a limited legislative initiative respecting the unauthorized disclosure of national security information. I continue to believe that new legislation in this field is badly needed, and I therefore want to renew my request for your consideration of my August proposal or other variations of that proposal.

Yours,

/s/ Stansfield Turner

STANSFIELD TURNER

OGC:AAL:sin

- 1 - DCI
- 1 - DDCI
- 1 - ER via Ex Secty
- 1 - OGC Subj: Legislation (NI) w/OGC 78-7437
- 1 - AAL signer
- 1 - Chrono

OGC 78-7437

7 November 1978

MEMORANDUM FOR: Director of Central Intelligence
VIA: Deputy Director of Central Intelligence
FROM: Anthony A. Lapham
General Counsel
SUBJECT: Leak Legislation

1. Action Requested: That you sign the attached memorandum to Dr. Brzezinski. You may also wish to send a related letter to the Attorney General, and such a letter is attached for your consideration.

2. Background: On 17 August you wrote to the Attorney General, referring to the recent actions of Philip Agee and urging a limited legislative initiative respecting the unauthorized disclosure of classified information. A copy of your 17 August letter is at Tab A. There has been no response to that letter.

3. According to item 20 of your 1 November memorandum summarizing your 31 October conversation with Dr. Brzezinski, copy attached at Tab B:

I raised the problem of need for an Administration position on criminal sanctions or whatever else to slow down leaks. He suggested I send him a memo pointing out that our progress on this issue is way behind (the Attorney General has been sitting on it) and that we need some action here. He would then, in turn, task the Attorney General.

The attached proposed memorandum to Dr. Brzezinski is intended as the follow-up to the 31 October conversation. Should you think that a reminder to the Attorney General is appropriate at this point, a proposed letter for that purpose is also attached.

4. Recommendation: That you sign the attached memorandum for Dr. Brzezinski and consider for signature the attached letter to Judge Bell.



Anthony A. Lapham

STAT

Attachments

OGC:AAL:sin
Original - Addressee
1 - DDCI
1 - ER via Ex Secty
1 - OGC Legislation (NI)
1 - AAL signer
1 - Chrono

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